

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

**ORDER**  
17-CR-628 (MKB)

KESTON LETT,

Defendant.

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MARGO K. BRODIE, United States District Judge:

On November 13, 2017, a grand jury returned an indictment against Defendant Keston Lett, charging him with importing cocaine into the United States from a place outside the United States, and possessing with intent to distribute cocaine, in violation of 21 U.S.C. §§ 952, 960(a)(1) and 841(a)(1). (Indictment, Docket Entry No. 5.) On December 15, 2017, the Court established bond conditions for the release of Defendant from custody, including electronic monitoring and restricting his travel to the Eastern and Southern Districts of New York and the State of New Jersey. (Minute Entry dated Dec. 15, 2017.) On December 28, 2017, Defendant filed a motion to have the government determine whether it intended to continue to prosecute Defendant, and, if so, to order the government to release Defendant from the custody of United States Immigration and Customs Enforcement (“ICE”) or, alternatively, to dismiss the indictment. (Def. Mot. to Dismiss (“Def. Mot.”), Docket Entry No. 15.) The government filed a response in opposition to Defendant’s motion on January 11, 2018. (Gov. Mem. in Opp’n to Def. Mot., Docket Entry No. 17.)

The Court heard oral argument on the motion on January 26, 2018. At the hearing, for the reasons stated on the record, the Court ordered the government to release Defendant from

ICE custody by 5:00 PM on February 2, 2018 if it intended to proceed with the prosecution of Defendant, or the Court would dismiss the indictment with prejudice. (Minute Entry dated Jan. 26, 2018.) By letter dated February 2, 2018, the government informed the Court that ICE did not intend to release Defendant from its custody. (Gov. Letter dated Feb. 2, 2018, Docket Entry No. 20.) On February 7, 2018, Defendant requested that the Court dismiss the indictment with prejudice. (Def. Letter dated Feb. 7, 2018, Docket Entry No. 21.)

Pursuant to the Court's January 26, 2018 order, and for the reasons stated on the record, the Court dismisses the indictment against Defendant with prejudice.

SO ORDERED:

s/ MKB  
MARGO K. BRODIE  
United States District Judge

Dated: February 16, 2018  
Brooklyn, New York